

## **MEETING MINUTES, PLANNING COMMISSION, FEBRUARY 13, 2006**

**Present:** Trent Pohlar, Carmen Madsen, Janet Eades, Phil Tinkle, Duane O'Neal, Keith Hardin, Jim Oxley, Shawna Koons-Davis, City Attorney; Ed Ferguson, Planning Director; Amy Senteney, Acting Recording Secretary

The meeting was called to order at 7:00 p.m. by Trent Pohlar, President.

### **PREVIOUS MINUTES**

January 9<sup>th</sup> - O'Neal moved to approve the minutes as mailed, seconded by Tinkle. Vote for **approval** was unanimous, 7-0. **Motion carried.**

January 30<sup>th</sup>, Training Session – O'Neal moved to approve the minutes as mailed, seconded by Tinkle. Vote for **approval** was unanimous, 7-0. **Motion carried.**

### **OLD BUSINESS**

#### **SITE DEVELOPMENT PLANS**

**Docket PC2005-055 – Site Development Plan** – O'Reilly Automotive, Summerfield Crossing, Block C, Lot 3 –located on sw corner of Independence Dr. and Declaration Dr. - .923 acre lot zoned C-2 – petitioner and owner is O'Reilly Automotive; engineer is Anderson Engineering. Paul Engle of Anderson Engineering representing.

Mr. Ferguson asked if Mr. Engle would please refresh the Board on the landscape waiver. Mr. Engle explained that the waiver is for no plantings within the easement. There was discussion on the width from the right-of-way to the parking lot pavement. It was determined that there was 10' available for a 10' wide landscape strip. Mr. Ferguson stated that the waiver needed to be amended to allow the required landscaping plantings within the platted easement. Commercial streetscape requires a 10' wide strip with 1 shade tree and 10 medium shrubs. Ferguson reminded commission members that every site plan in the Summerfield plat has been granted a waiver to place plantings within the drainage and utilities easement because the easement occupies the entire 35 foot building setback area on each lot.

Tinkle moved that the request of O'Reilly Automotive for a waiver from the requirements of the Greenwood landscape Ordinance, Greenwood Municipal Code Sec. 10-472 Landscaping Requirements, Subsection 18-08 a., that specifies that a landscape strip shall be installed along all areas of a parking lot adjoining public right-of-way and Subsection 18-08 b., that specifies that perimeter landscaping shall be installed between adjoining parking lots along interior industrial and commercial drives, **be amended and approved**, and that the Plan Commission find that O'Reilly Automotive has met the criteria set forth by Greenwood Municipal Code Sec. 10-472, 18-11 (a) (5), for the approval of the waiver for the reasons set forth in O'Reilly Automotive's written waiver request, as amended, seconded by Eades. Vote for **approval** was unanimous, 7-0. **Motion carried.** O'Reilly may use the easement for plantings. All required plantings shall be installed in and around the parking lot.

Tinkle moved to approve PC2005-055, subject to the recommendations of the Tech Committee being met, seconded by Oxley. Vote for **approval** was unanimous, 7-0. **Motion carried.**

### **NEW BUSINESS**

#### **PUBLIC HEARINGS**

**Docket PC2006-008 – Zone Map Change** – Rock Lane Ridge – rezone with commitments from R-2 to C-1 for mixed use development – located on ne corner of E. Main St. & Combs Rd. – 49.897 acre lot – petitioner and owner is Rocklane Properties, LLC.

Partnership of Mainstay and Rocklane Properties. represented by Jeff Miller, Mainstay; David Baird, CDI; and Ray Good Attorney came forward.

Jeff Miller presented a conceptual layout plan. There will be diversity of the type of product along the north side of Main Street, continuing the R-2 Single-family concept. Commercial will have intense commitments and restrictions upon it. CDI development to the North will be a 55 & older area. Buildings will be all brick, with no vinyl siding.

Ray Good, Attorney, spoke to the uniqueness of this project. Planning has been in process for over 2 years. There will be reasonable transition from the apartments to the single family area. David Baird, CDI, was also present to answer any questions.

Rollin Jackson, Vice-Chairman of the East of 65 Property Owners Association, came forward and spoke on behalf of his association. A list of concerns by area residents was distributed for the Commission's review and consideration. The letter he submitted included the following:

- 1) Development infrastructure concerns for current and future developments:  
East Main Street – east of Graham Road
  - (A) Confirm – Minimum right of way is 100' in width as developments are approved.
  - (B) That the second knoll in Main St., east of Graham Rd., will be lowered per commitment from Precedent & Pedcor Developments.
  - (C) That as new acceleration/deceleration lanes are granted on E. Main, that such lanes be a minimum of 12' in width at the beginning point and not less than 100' prior to tapering to zero at return point of traffic lane.
- 2) Combs Rd – north of Main St.
  - (A) Minimum right of way is 80' in width.
  - (B) The initial incline of Combs Rd. north of Main St. is either removed or substantially lowered (Pedcor Commitments).
  - (C) Combs Rd. is substantially reconstructed, to include 2-12' wide traffic lanes at appropriate grade and pitch with 2'-4 feet wide paved burms – the length of the Pedcor Development.
  - (D) Zoning/development approval of the University ground north of the Gather/Whiteside Farms, the City of Greenwood will require appropriate right of way to be taken to eliminate the existing "Z" or Two immediate 90 degree turns that now exist in Combs Rd.

Bob Robison discussed future s-curves to replace the existing two 90-degree curves north of this land (CDI area) on Combs Rd.

The resident located at 656 N Combs Road came forward. He stated he lives at the middle of the 90 degree turn. He is concerned about the commitments proposed in the commercial area. He would like to see as one the commitments that the tree line along the north side not be disturbed. He wanted more time to study the commitments and C-1 permitted uses.

During rebuttal, Attorney Good stated he feels they have exceeded requirements of the ordinance. The remonstrators reiterated their concerns about the 90 degrees curves in Combs Rd. being taken out. They all felt the curve locations should be outlined on a plan at this time. Oxley stated that when subdivision platting and site plans are presented for their areas they must come to Plan Commission for approval.

Hardin asked about commitments. The City Attorney explained that the City can require more, but typically it is best when the two groups meet and work out these differences and come to an agreement. He then inquired about the 90 degree turns and asked if the City has any plans to straighten these out in the near future. Mr. Ferguson explained that it is usually the developer who addresses this issue when they are ready to develop a certain property. This is something that would be considered at the time of the primary plat approval. He went on to say that perhaps the City could have the consultant preparing the Comp Plan give us 2 or 3 scenarios on how to realign the road. Right of way would be looked at during the plat approval.

Hardin was also interested in seeing that the area along Main St. which fronts this property be required to be a divided parkway with trees and islands in the center. This concept was discussed at the last training session by the people from Ball State University. He would like to see what would be needed to implement this requirement as soon as possible. The City Attorney explained that it would have to be something from the Board of Works. At this time it is not in our specs or ordinance. Mr. Hardin asked that it be drafted. Koons-Davis again said that it would have to go through the Board of Works.

Statutory criteria was addressed as follows:

1. **Criteria:** This request complies with the Comprehensive Plan in the following way(s) **Answer:** The Comprehensive Plan does not specifically address this area except in the catchall phrase "low-density". Our request matches that intent beyond the subject real estate to the east but recognizes the need for the subject realty to be a buffer of uses (because of existing neighbors and/or zoning classifications) that promotes this intent.
2. **Criteria:** This request complies with the Current conditions and the character of current structures and uses in each district in the following ways: **Answer:** The mixed use buffer plan for the subject realty coupled with owner's commitments to assure upscale single family detached residential use east of the subject realty are designed to achieve the mutual interest of the owner/petitioner and the City of Greenwood.
3. **Criteria:** The request is for the most desirable use for which the land in this district is adapted **Answer:** Incorporating responses numbered 1 and 2 above permits the conclusion that the "buffer design" is a desirable use that becomes complementary to advancing the cause immediately east thereof (by written assurance) for upscale single family residential and beyond that to the east.
4. **Criteria:** The request will not negatively affect the property values throughout the Jurisdiction because **Answer:** The sense, intent and practical aspects of what is proposed invigorates the specific area involved with immediate controlled or controllable impact to the east that positively affects values in this area.
5. **Criteria:** This request is considered responsible development and growth because **Answer:** The request shows responsible owner pre-planning to advance a sensible and practical buffer for the subject real estate with a clear and enforceable path for upscale residential development east of the buffer area and beyond.

Commitments are proposed as follows:

Area A on Conceptual Layout (Age Restricted Community)

1. The overall development of this property shall be in substantial compliance with the general lay-out of the concept plan as depicted in Exhibit A with this petition.
2. No commercial uses allowed.
3. No multi-family (3 or more units per building) residential allowed. Only two-family residential uses shall be permitted.
4. Maximum number of dwelling units in this area shall be 84.
5. Preservation of woodlands and open space as common area shall substantially comply with the common areas depicted in Exhibit A with this petition.
6. An asphalt pathway (minimum 8 feet in width) shall be provided around the perimeter of the woodlands and through certain portions of the woodlands. Location of said pathways shall be determined as part of the plat and plan for review for this property. A segment of the pathway shall link the southeastern corner of this property to the proposed neighborhood commercial/office areas to the south.
7. At least 1300 sq. ft. of living space.
8. All homes, exclusive of wood and vinyl trim, gables, windows and doors, will be masonry (brick, stone, stucco).
9. Minimum of (1) 2" caliper ornamental tree or shade tree planted in front yard.
10. Front and side yards will be sodded.
11. Minimum of 6 bushes/shrubs planted in the front planting bed of each residence.
12. The width of each lot shall be a minimum 96 feet.
13. The minimum lot square footage shall be 5,760 sq. ft.
14. There will be a Compulsory Homeowners Association with mandatory, and if necessary, special assessments to cover the maintenance of common areas and ponds within the boundaries of its complex.
15. Maintenance items of lawn care and snow removal shall be included for each homeowner.

Area B on Conceptual Layout

1. The overall development of this property shall be in substantial compliance with the general lay-out of the concept plan as depicted in Exhibit A with this petition.
2. No Commercial uses allowed.
3. Multi-family Residential uses only permitted.
4. Maximum number of dwelling units in this area shall be 48.
5. Maximum number of dwelling units per building in this area shall be 8.
6. Dwelling units closest to the northern and eastern boundaries of this area (block) shall be three-story town homes with brick exteriors on the front and side elevations similar in quality, appearance, and architecture to those depicted in the colored rendering (photograph) submitted as Exhibit B with this petition. Said town homes shall face (front) the public streets running along the north and east sides of the project. Driveways serving the said town homes shall provide access from the private internal streets. There shall be no driveway access to the perimeter public streets.
7. Dwelling units closest to the western and southern boundaries of this area (block), as well as those in the center of this area, shall be two-story attached dwellings with exteriors that combine brick and siding (no vinyl) and that are similar in quality, appearance, and architecture to those depicted in the colored rendering (photograph) submitted as Exhibit C.
8. An asphalt pathway (minimum 8 feet in width) shall be provided to link the internal sidewalks along the streets near the southwestern corner of this property to the proposed neighborhood commercial/office areas to the west.

Area C on Conceptual Layout

1. Neighborhood commercial and office uses shall be permitted.
2. The following uses shall be prohibited:
  - a. mobile home park or subdivision
  - b. plant nurseries
  - c. vineyard
  - d. orchards
  - e. wildlife or nature preserve
  - f. private club or camp
  - g. grain elevator
  - h. feed mill
  - i. fertilizer service and sales
  - j. fishing, hunting or trapping
  - k. food processing
  - l. fuel dealers
  - m. golf driving range or miniature golf course
  - n. outdoor theatre
  - o. landfill, salvage or junk yard
3. Offices and/or showrooms for special trade contractors in construction and construction related businesses shall be permitted. Outdoor storage yards or areas for construction equipment tools, forms, scaffolding, supplies, materials, etc. shall be prohibited.
4. Rental businesses for furniture, appliances, tools, equipment, party supplies, etc. shall be permitted provided said business is completely contained within a building. Outside storage shall be prohibited for said businesses.

Adjacent property to the east that is not being rezoned, the applicant volunteered the following deed restrictions:

1. The overall development of this property shall be in substantial compliance with the general lay-out of the concept plan as depicted in Exhibit A with this petition.
2. No commercial uses allowed.
3. The minimum lot square footage shall comply with the R-2 standard.
4. 80% of the homes as to the 1<sup>st</sup> floor front, side and rear elevations of the first story will be masonry exclusive of trim, gables, doors and windows.
5. Each home shall have at minimum 1,800 square feet of living space less garages, porches and patios. Each 2 story home shall have at least 1,000 square feet of living space less garages, porches and patios on the first floor.
6. Minimum of (1) 2" caliper ornamental tree or shade tree planted in front yard.
7. Front and side yards will be sodded.
8. Minimum of 6 bushes/shrubs planted in the front planting bed of each residence.
9. There will be a Compulsory Homeowners Association with mandatory, and if necessary, special assessments to cover the maintenance of common areas and ponds within the boundaries of its complex.

O'Neal moved that the petition for a Zone Map Change for the rezoning of approximately 49.897 acres of land known as the Rock Lane Properties, LLC Property generally located on the northeast corner of the intersection of East Main Street (a/k/a Rocklane Road) and Combs Road, within the City of Greenwood, Johnson County, Indiana, from R-2 – Residential Single Family use to C-1 – Commercial – Neighborhood Shopping use, as set forth therein, receive a **favorable** recommendation from this Commission to the Greenwood Common Council and that the same be certified to the Greenwood Common Council in the form presented, with the following commitments, and subject to the concept plan submitted in the booklet presented:

Area A on Conceptual Layout (Age Restricted Community)

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2. No commercial uses allowed.
3. No multi-family (3 or more units per building) residential allowed. Only two-family residential uses shall be permitted.
4. Maximum number of dwelling units in this area shall be 84.
5. Preservation of woodlands and open space as common area shall substantially comply with the common areas depicted in Exhibit A with this petition.
6. An asphalt pathway (minimum 8 feet in width) shall be provided around the perimeter of the woodlands and through certain portions of the woodlands. Location of said pathways shall be determined as part of the plat and plan for review for this property. A segment of the pathway shall link the southeastern corner of this property to the proposed neighborhood commercial/office areas to the south.
7. At least 1300 sq. ft. of living space.
8. All homes, exclusive of wood and vinyl trim, gables, windows and doors, will be masonry (brick, stone, stucco).
9. Minimum of (1) 2" caliper ornamental tree or shade tree planted in front yard.
10. Front and side yards will be sodded.
11. Minimum of 6 bushes/shrubs planted in the front planting bed of each residence.
12. The width of each lot shall be a minimum 96 feet.
13. The minimum lot square footage shall be 5,760 sq. ft.
14. There will be a Compulsory Homeowners Association with mandatory, and if necessary, special assessments to cover the maintenance of common areas and ponds within the boundaries of its complex.
15. Maintenance items of lawn care and snow removal shall be included for each homeowner.

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4. Maximum number of dwelling units in this area shall be 48.
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6. Dwelling units closest to the northern and eastern boundaries of this area (block) shall be three-story town homes with brick exteriors on the front and side elevations similar in quality, appearance, and architecture to those depicted in the colored rendering (photograph) submitted as Exhibit B with this petition. Said town homes shall face (front) the public streets running along the north and east sides of the project. Driveways serving the said town homes shall provide access from the private internal streets. There shall be no driveway access to the perimeter public streets.
7. Dwelling units closest to the western and southern boundaries of this area (block), as well as those in the center of this area, shall be two-story attached dwellings with exteriors that combine brick and siding (no vinyl) and that are similar in quality, appearance, and architecture to those depicted in the colored rendering (photograph) submitted as Exhibit C.
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Area C on Conceptual Layout

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2. The following uses shall be prohibited:
  - a. mobile home park or subdivision
  - b. plant nurseries
  - c. vineyard
  - d. orchards
  - e. wildlife or nature preserve
  - f. private club or camp
  - g. grain elevator
  - h. feed mill
  - i. fertilizer service and sales
  - j. fishing, hunting or trapping
  - k. food processing
  - l. fuel dealers
  - m. golf driving range or miniature golf course
  - n. outdoor theatre
  - o. landfill, salvage or junk yard
3. Offices and/or showrooms for special trade contractors in construction and construction related businesses shall be permitted. Outdoor storage yards or areas for construction equipment tools, forms, scaffolding, supplies, materials, etc. shall be prohibited.
4. Rental businesses for furniture, appliances, tools, equipment, party supplies, etc. shall be permitted provided said business is completely contained within a building. Outside storage shall be prohibited for said businesses.

Adjacent property to the east that is not being rezoned (deed restrictions)

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2. No commercial uses allowed.
3. The minimum lot square footage shall comply with the R-2 standard.
4. 80% of the homes as to the 1<sup>st</sup> floor front, side and rear elevations of the first story will be masonry exclusive of trim, gables, doors and windows.
5. Each home shall have at minimum 1,800 square feet of living space less garages, porches and patios. Each 2 story home shall have at least 1,000 square feet of living space less garages, porches and patios on the first floor.
6. Minimum of (1) 2" caliper ornamental tree or shade tree planted in front yard.
7. Front and side yards will be sodded.
8. Minimum of 6 bushes/shrubs planted in the front planting bed of each residence.
9. There will be a Compulsory Homeowners Association with mandatory, and if necessary, special assessments to cover the maintenance of common areas and ponds within the boundaries of its complex.

Seconded by Tinkle. Vote for **approval** was unanimous, 7-0. **Motion carried.**

**SITE DEVELOPMENT PLANS**

**Docket PC2006-005 – Site Development Plan** – Indiana-American Office Park, Lot 2 – located sw of County Line Rd. and Airport Pkwy. – 3.94 acre lot zoned B-1 & C-1 – petitioner and owner is J. Greg Allen; engineer is Projects Plus. Kenny Zumstein from Greg Allen. Kenny explained entire layout of Indiana American Office Park. County Line and Airport Parkway.

Ferguson noted that approximately 90% of the site improvements were completed with the previous phase. The new building and the final coat of asphalt on the parking is almost all that remains to be done.

O'Neal moved to approve PC2006-005, subject to the recommendations of the Tech Committee being met, seconded by Janet Eades. Vote for **approval** was unanimous, 7-0. **Motion carried.**

### **ANNOUNCEMENTS/REPORTS**

Mr. Hardin wanted to further discuss amending the Subdivision Ordinance and Comprehensive Plan to address requirements for installation of boulevards along E. Main St. and other areas of the city. Hardin moved to direct staff to prepare amendments concerning this for the Comp Plan and Subdivision Ordinance, seconded by Oxley. Vote for **approval** was unanimous, 7-0. **Motion carried.**

The City Attorney asked for reconsideration concerning Aldi's sidewalk waiver. She inquired if the Commission would be receptive to reconsideration of their original motion. Oxley moved to entertain reconsideration of the original waiver for Aldi's sidewalks, seconded by Hardin. Vote for **approval** was 6 for, 1 against (O'Neal). **Motion carried.**

O'Neal moved to adjourn, seconded by Madsen. Vote for **approval** was unanimous, 7-0. **Motion carried.** Meeting was adjourned at 8:58 p.m.

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AMY SENTENEY  
Recording Secretary

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TRENT POHLAR  
President